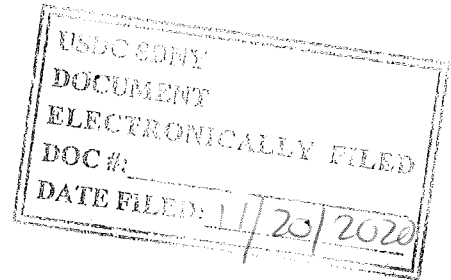


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
WILLIAM A. TYNDALL,
Plaintiff,

v.

WARWICK VALLEY PILOTS ASSOCIATES,
INC., and JOHN DOE,
Defendants.
-----X**ORDER**

20 CV 9751 (VB)

Defendant Warwick Valley Pilots Associates, Inc., removed this action from Supreme Court, Orange County. Defendant asserts that the Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1). According to defendant, there is complete diversity of citizenship between the plaintiff and defendant and the amount in controversy exceed \$75,000.

To invoke diversity jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, 28 U.S.C. § 1332 “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.” Id.; see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005).

“An individual’s citizenship, within the meaning of the diversity statute, is determined by his domicile . . . [in other words] the place where a person has his true fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.” Palazzo ex rel. Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000) (emphasis added). A person has only one domicile at any given moment, though it may change. Id. For purposes of diversity jurisdiction, the relevant domicile is the parties’ domicile at the time the complaint was filed. See Universal Licensing Corp. v. Paola del Lungo S.p.A., 293 F.3d 579, 581 (2d Cir. 2002).

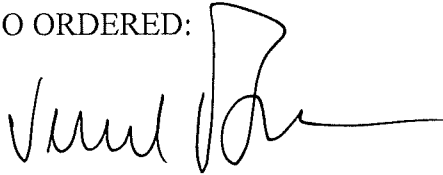
The notice of removal states that defendant is a citizen of New York, and that plaintiff is a “resident” of Marion, North Carolina. (Doc. #1 ¶¶ 11-12). However, the complaint alleges

plaintiff “was a resident of the County of Orange, Town of Warwick and State of New York.” (Doc. #1-1 ¶ 4). The summons states that plaintiff resides in Marion, North Carolina. (Id. at ECF 2). As noted above, residency is irrelevant for purposes of diversity—what matters is domicile.

Accordingly, by November 30, 2020, defendant shall submit a letter clarifying plaintiff’s citizenship—i.e., domicile—so that the Court can determine whether there is complete diversity in this case.

Dated: November 20, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', with a long horizontal flourish extending to the right.

Vincent L. Briccetti
United States District Judge